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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GREGORIO ALONZO HERNANDEZ,

14 Defendant.
15

Case No. 2:10-CR-00245-KJD

ORDER

16 Before the Court are the Government's Motions to Extend Time to File Response (#50) and
17 to Waive Attorney-Client Privilege as to Defendant (#51).

18 Defendants waive their attorney-client privilege as to a given subject by alleging ineffective
19 assistance counsel as to that subject. See United States v. Ortland, 109 F.3d 539, 543 (9th Cir. 1997).
20 Defendant has filed a Motion to Vacate under 28 U.S.C. § 2255 (#47). Among his allegations are
21 ineffective assistance of counsel both in pleading guilty and regarding appeal. Mr. Momot
22 represented Defendant at his change of plea hearing and Mr. Yi-Lin Zheng represented him at
23 sentencing.

24 Accordingly, **IT IS HEREBY ORDERED** that the Government's Motion to Waive
25 Attorney-Client Privilege as to Defendant (#51) is **GRANTED** as to all materials and information
26 relating to Defendant's ineffective assistance of counsel claims. **IT IS FURTHER ORDERED** that

1 Defendant's former Attorneys, Mr. Momot and Mr. Yi-Lin Zheng, provide the Government and file
2 with the Court affidavits, as well as provide to the Government all materials and information
3 addressing Defendant's allegations of ineffective assistance of counsel as to both the trial and appeal.
4 These affidavits and materials must be provided no later than 30 days following the entry of this
5 order.

6 **IT IS FURTHER ORDERED** that, upon review and good cause appearing, the
7 Government's Motion to Extend Time to File Response (#50) is **GRANTED**. The Government has
8 30 days from the filing of Mr. Momot's and Mr. Yi-Lin Zheng's affidavits to respond.

9 DATED this 30th day of August 2013.

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Kent J. Dawson
United States District Judge
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